

**LINES WELCOME U. S. SUIT****BLAZE NEAR HOSPITAL**

Tenants Driven from Homes and Firemen Injured by Flames.

Fire which started on the third floor of the building at No. 61 to 71 Greenwich avenue, shortly before midnight, last night, destroyed the three upper floors of the structure and caused much excitement among the patients of St. Vincent's Hospital. The loss will reach \$5,000.

William J. Coffey, the watchman for the building, discovered the fire in the loft occupied by Peter A. Reilly, Bro. & Co., a wallpaper concern. The flames spread to the two upper floors. On these floors were tons of paper used by the firms of R. A. Wagner, cardboard manufacturers, and Rothacker & Schweiher, a printing concern.

More than twenty horses of the Manhattan Express Company were taken from the stable, which is in the rear of the burned building, and the tenants of the houses on the Perry street side of the fire were ordered from their homes. Mrs. Teresa Abbott, eighty years old, was unable to be moved from her home at No. 3 Ferry street. Her son, who is Lieutenant Abbott, of Engine Company 30, was sent for, and he went to care for his mother in case the flames should attack their home.

While at work on a fire escape on the 11th street side of the building, Firemen Ward, of Engine Company 24; Kitchen, of Truck 12; Craven and Stone, of Engine Company 72, and Short and Murphy, of Engine Company 24, were severely burned about the face and hands by a black draft, and narrowly escaped with their lives. They were attended at St. Vincent's Hospital.

**TOBACCO COMPANY'S PLEA****Disputes Government's Interpretation of Anti-Trust Law.**

Washington, Jan. 5.—The second fight of the American Tobacco Company against dissolution by decree of the Supreme Court of the United States, under the Sherman anti-trust law, was begun to-day, when its attorneys filed briefs in the court. One was filed by John G. Johnson, of Philadelphia, and Judge William J. Wallace, W. W. Fuller, DeLancey Nicoll and Junius Parker of New York, and another by William M. Ivins, of New York.

Mr. Johnson and his associates say the government is still entertaining inexact and confused ideas on the subject of "monopolizing," as referred to in the Sherman anti-trust law. In the first place, it is said that the government fails to distinguish "by any clear line of cleavage, or indeed any line of cleavage at all, between large businesses, on the one hand, and monopolies, on the other." The brief closes with this review of the situation:

We believe that we have demonstrated that the intercorporate relations of these defendants are not such as to bring them within the purview of having violated the Sherman law, by the improper elimination of incentive to engage in interstate trade. Nothing is left for the government legally but to dislodge this hole conception announced by Circuit Judge LaCombe and now repudiated, logically, by the government, to wit: That any acquisition of the business of an independent by one therefore engaged in such trade, or any therefore of a partnership even between individuals who have been driving rail-express wagons between contiguous states, is violative of this statute—thus construed revolutionary, indeed, as characterized by Judge LaCombe.

Mr. Ivins gives a short interpretation of what he believes the Sherman anti-trust law to mean. "It is," he says, "that hereafter the 'rule of right' shall be enforced, and the 'right of law'—i.e., to be protected by definite and equal laws, and not by the whims of men—shall be upheld uniformly throughout the whole nation in respect of commerce between the states."

**FREED AND REARRESTED****Coroner Overrides Jury's Verdict in Warner Case.**

The seven men arrested on the charge of being concerned in the assault upon John C. Warner during the express drivers' strike last November, from the effects of which Warner died, were exonerated yesterday by a coroner's jury and immediately arrested by order of Coroner Hellenstein on his resignation from the society he was no longer under its jurisdiction.

His lawyer said a trial before the County Medical Society would do him irreparable injury. Dr. Ewald was suspended from the society for a year for his alleged exaggeration of the number of operations he had performed. The suspension was to continue until June, but on December 13 he received a letter saying that the suspension had been removed. Then he re-signed.

Two days later he received word that the society had not acted on his resignation, and following this he was informed of the decision to put him on trial. Justice Goff rescinded decision.



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